



MEMORANDUM

Agenda Item No. 8(M)(1)


TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 5, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution accepting a conveyance
of a parcel known as West Parcel
located on the west side of South
Miami Avenue between SW 7 Street
and SW 8 Street in Miami-Dade
County

The accompanying resolution was prepared by the Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



R. A. Cuevas, Jr.
County Attorney


RAC/cp

Memorandum



Date: June 5, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Accepting a Conveyance of Property along the west side of South Miami Avenue between SW 7 Street and SW 8 Street, also Known as West Parcel, for Road Purposes

Recommendation

It is recommended that the Board of County Commissioners approve the acceptance of a right-of-way conveyance of a parcel known as West Parcel for South Miami Avenue between SW 7 Street and SW 8 Street needed for planned improvements of South Miami Avenue.

Scope

The property to be conveyed is located in Commissioner District 5.

Fiscal Impact/Funding Source

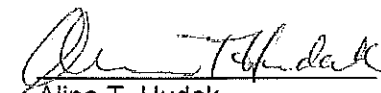
There is no fiscal impact to the County as all maintenance and improvement costs will be borne by the adjacent property owner as part of development conditions for the approval of a proposed development on adjoining property.

Track Record/Monitor

PWWM is the entity overseeing this project and the person responsible for monitoring this acquisition is Mr. Raul A. Pino, Chief, Land Development/Right-of-Way Division.

Background

South Miami Avenue is a County maintained road within the City of Miami. The subject parcel is needed to acquire the full width of the zoned right-of-way and to construct future roadway improvements. The acceptance of this conveyance is tied to the BCC's approval of two companion items including: 1) a resolution accepting the conveyance of a five foot strip of property along the easternmost portion of South Miami Avenue between SW 7 Street and SW 8 Street, and 2) a resolution approving the conveyance of a Temporary Construction Easement, a Permanent Aerial Easement, and a Permanent Underground and Maintenance Easement in connection with the Brickell CitiCentre Project. As a condition precedent to the recordation and conveyance of the above referenced easements, the conveyances of the properties set forth in such companion items must be approved by the BCC and recorded.


Alina T. Hudak
County Manager/Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 5, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(M)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(M)(1)
6-5-12

RESOLUTION NO. _____

RESOLUTION ACCEPTING A CONVEYANCE OF A
PARCEL KNOWN AS WEST PARCEL LOCATED ON
THE WEST SIDE OF SOUTH MIAMI AVENUE
BETWEEN SW 7 STREET AND SW 8 STREET IN
MIAMI-DADE COUNTY

WHEREAS, the Miami-Dade County Public Works and Waste Management Department (PWWM) seeks the dedication of the subject parcel which is part of the zoned right-of-way for South Miami Avenue, between SW 7 Street and SW 8 Street; and

WHEREAS, the parcel needed, known as West Parcel, is presently owned by the Brickell CitiCentre West, LLC; and

WHEREAS, the Board finds that the acceptance of said right-of-way deed would be in the public's best interest; and

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that 1) the foregoing recitals are incorporated as if fully set forth herein; 2) the Deed of Conveyance attached hereto is hereby approved and accepted; 3) the Chairman of the Board is authorized to accept said deed in substantially the form attached on behalf of Miami-Dade County and to exercise all the provisions therein; and 4) pursuant to Resolution No. R-974-09, (a) directs the County Mayor or County Mayor's designee to record the instrument of conveyance accepted herein in the Public Records of Miami-Dade County and to provide a recorded copy of said instrument to the Clerk

of the Board within thirty (30) days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument together with this resolution.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman

Return to:

R/W Engineering, Miami-Dade County
Public Works and Waste Management
111 N.W. 1st Street
Miami, FL 33128-1970

Instrument prepared by:

Wayne Sutton, P.S.M.
Miami-Dade County PWWM
111 N.W. 1st Street, Suite 1610
Miami, FL 33128-1970
Folio No. 01-0205-030-1200, 1190,
2100, 2080
User Department: PWWM (R/W)

SOUTH MIAMI AVENUE

**RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY
CONVEYS THE TITLE FOR HIGHWAY PURPOSES
BY CORPORATION**

STATE OF Florida)

COUNTY OF Miami-Dade)

THIS INDENTURE, Made this 4 day of May, A.D.
20 12, by and between BRICKELL CITICENTRE WEST, LLC, a corporation
under the laws of the State of Florida, and having its office and
principal place of business at 501 Brickell Key Drive, #1000,
Miami, FL 33131,

party of the first part, and MIAMI-DADE COUNTY, a political
subdivision of the State of Florida, and its successors in
interest, whose Post Office address is 111 N.W. 1st Street, Miami,
Florida 33128-1970, party of the second part,

WITNESSETH:

That the said party of the first part, for and in
consideration of the sum of One Dollar (\$1.00) to it in hand paid
by the party of the second part, the receipt whereof is hereby
acknowledged, and for other and further good and valuable
considerations, does hereby grant, bargain and sell to the party of
the second part, and its successors in interest, for the purpose of
a public highway and purposes incidental thereto, all right, title,
interest, claim or demand of the party of the first part, in and to
the following described land, situate, lying and being in Miami-
Dade County, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HERE

RW Deed West Parcel.doc

It is the intention of the party of the first part, by this instrument, to convey to the said party of the second part, and its successors in interest, the land above described for use as a public highway and for all purposes incidental thereto.

It is expressly provided that if and when said highway shall be lawfully and permanently discontinued, the title to the said above described land shall immediately revert to the party of the first part, its successors and assigns, and it or they shall have the right to immediately re-possess the same.

And the said party of the first part will defend the title to said land against the lawful claims of all persons whomsoever, claiming by, through or under it.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name, and its Corporate Seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, Sealed, Attested and
delivered in our presence:
(2 witnesses for each signature
or for all).

[Signature]
Witness

JOSE A. RICHARDS
Printed Name

Stephanie Pion
Witness

Stephanie Pion
Printed Name

Stephanie Pion
Witness

Stephanie Pion
Printed Name

[Signature]
Witness

JOSE A. RICHARDS
Printed Name

BRUNELL CITICORP WEST LLC
Name of Corporation

[Signature] (Seal)
By: VICE President

CHARLOTTE GANDOLFO
Printed Name

Address if different

[Signature] (Seal)
Attest: _____ Secretary

GE. TOLAND
Printed Name

Address if different

CORP SEAL

STATE OF Florida
COUNTY OF Miami Dade

I HEREBY CERTIFY, that on this 4 day of May,
A.D. 2012, before me, an officer duly authorized to administer
oaths and take acknowledgments personally appeared
Christopher Gaudin and Gregg E. Toian,
personally known to me, or proven, by producing the following
identification:

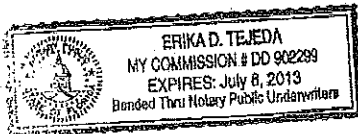
to be the Vice President and Secretary Secretary of
a corporation under the laws of the State of _____, and in
whose name the foregoing instrument is executed and that said
officer(s) severally acknowledged before me that (he/she/they)
executed said instrument acting under the authority duly vested by
said corporation and its Corporate Seal is affixed thereto.

WITNESS my hand and official seal in the County and State
aforesaid, the day and year last aforesaid.

Erika D. Tejeda
Notary Signature

Erika D. Tejeda
Printed Notary Name

NOTARY SEAL/STAMP



Notary Public, State of Florida

My commission expires: 07/08/13

Commission/Serial No. DD 902299

The foregoing was accepted and approved on the ____ day of
_____, A.D. 2012, by Resolution No. _____ of
the Board of County Commissioners of Miami-Dade County, Florida, a
political subdivision of the State of Florida.

Chairman of the Board

Joe A. Martinez
Printed Name

ATTEST: HARVEY RUVIN,
Clerk of said Board

By: _____
Deputy Clerk

RW Deed West Parcel.doc

EXHIBIT "A"

Legal Description:

The East 5 feet of Lots 1, 2, and 3, in Block 53S of AMENDED PLAT OF BLOCK 38A AND THE NORTH 1/2 OF BLOCK 53S CITY OF MIAMI, according to the plat thereof as recorded in Plat Book 1, at Page 74, of Public Records of Miami-Dade County, Florida.

And

The East 5 feet of Lots 22, 23, 24 Block 53S of A.L. KNOWLTON'S MAP OF MIAMI, as recorded in Plat Book B, Page 41 of the Public Records of Miami Dade County, less the South 10 feet of said Lot 22.

And

All that part which lies within the external area formed by a 25 foot radius curve concave to the Southwest, tangent to the West line of the East 5 feet of said Lot 3, Block 53S, and tangent to the North line of said Lot 3, Block 53S.

And

All that part which lies within the external area formed by a 25 foot radius curve concave to the Northwest, tangent to the West line of the East 5 feet of said Lot 22, Block 53S, and tangent to the North line of the South 10 feet of said Lot 22, less that portion previously dedicated for right of way.



PWMM

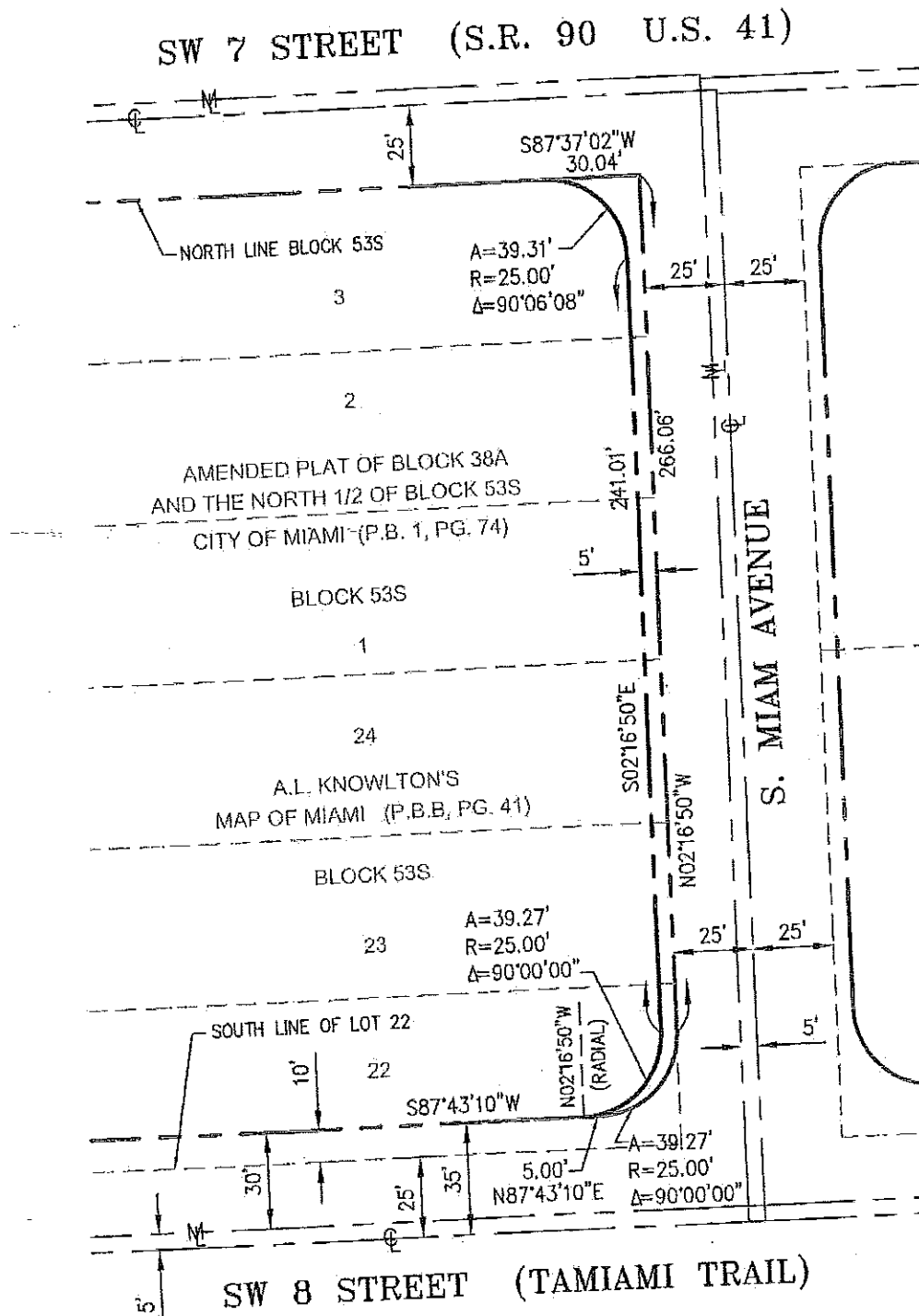
THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
MIAMI-DADE COUNTY PUBLIC WORKS
AND WASTE MANAGEMENT DEPT.
LAND DEVELOPMENT/RIGHT-OF-WAY DIVISION
ENGINEERING SECTION

SOUTH MIAMI AVENUE

WEST PARCEL

SCALE:	DATE: 05-02-12
CHECKED BY: C. Socarras	
DRAWN BY: L. Espinosa	
PROJECT:	SHEET: 1 of 2



LEGEND

(PT)	POINT OF BEGINNING	(R)	PROPERTY LINE
(PC)	POINT OF CURVATURE	(AL)	ARC LENGTH
(PCL)	POINT OF COMMENCEMENT	(Δ)	DELTA
(P)	POINT OF INTERSECTION	(R)	RADIUS
(R/W)	RIGHT-OF-WAY	(O)	BY DEED
(TWS)	TOWNSHIP	(C)	CALCULATED
(RGE)	RANGE	(O.R.B.)	OFFICIAL RECORDS BOOK

(SEC)	SECTION	(M)	MONUMENT LINE
(PBB)	POINT OF BEGINNING	(C)	CENTER LINE
(PCC)	POINT OF COMMENCEMENT	(P.B.)	PLAT BOOK
(M)	MONUMENT LINE	(P.C.)	PAGE
(C)	CENTER LINE		
(M)	MONUMENT LINE		
(L)	LOT LINE		

REFERENCES: FDOT R/W MAP SECTION 87120-2513 APPROVED JAN 4, 1983
O.R.B. 28832, PAGE 3948

THIS SKETCH IS A GRAPHIC REPRESENTATION OF THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED AND WITHOUT WHICH THIS SKETCH IS TO BE CONSIDERED VOID AND INCOMPLETE.



THIS IS NOT A SURVEY

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
MIAMI-DADE COUNTY PUBLIC WORKS
AND WASTE MANAGEMENT DEPT.
LAND DEVELOPMENT/RIGHT-OF-WAY DIVISION
ENGINEERING SECTION

SOUTH MIAMI AVENUE

WEST PARCEL

SCALE: 1" = 50'	DATE: 05-02-12
CHECKED BY: C. Socarras	
DRAWN BY: L. Espinosa	
PROJECT:	SHEET: 2 of 2